

EXHIBIT A

From: Tseng, Pauline T.
Sent: Tuesday, July 13, 2021 9:34 AM
To: 'copyrightclaims@secureserver.net'
Cc: Machuca, Allen L.
Subject: Copyright Claim on behalf of Cisco Systems, Inc. and Cisco Technology, Inc.
Attachments: Notice of Claimed Copyright Infringement to Domains By Proxy, LLC re Router Switch.pdf

To Whom It May Concern at Domains By Proxy, LLC,

Please see the attached Notice of Claimed Copyright Infringement on behalf of our client Cisco Systems, Inc. and Cisco Technology, Inc. ("Cisco"). I look forward to your prompt response.

Because of the possibility of litigation by Cisco against entities that have infringed its intellectual property rights, please preserve all evidence regarding the Infringing Site and Infringing Content. If you have any questions, or need any further information regarding this matter, please contact me at ptseng@sideman.com.

Best regards,
Pauline Tseng



One Embarcadero Center, Twenty-Second Floor
San Francisco, California 94111-3711
Telephone: (415) 392-1960
Facsimile: (415) 392-0827

Pauline T. Tseng
ptseng@sideman.com

July 13, 2021

VIA EMAIL ONLY

Copyright Agent
Domains By Proxy, LLC
14455 N. Hayden Road, Suite 219
Scottsdale, AZ 85260
copyrightclaims@secureserver.net

Re: Notice of Claimed Copyright Infringement to Domains By Proxy, LLC re
<http://router-switch.com>

To Whom It May Concern at Domains By Proxy, LLC:

We represent Cisco Systems, Inc. and Cisco Technology, Inc. ("Cisco") in certain intellectual property enforcement matters. It has come to our client's attention that Domains By Proxy, LLC ("Domains By Proxy") is the Registrant for the domain <https://www.router-switch.com/> (the "Infringing Site"). We understand that Router Switch Ltd. ("Router Switch") offers for sale and distributes Cisco software licenses without Cisco authorization, either separately or as upgrade options in its product listings, on the Infringing Site. *See* Exhibit A for a full list of Router Switch's infringing listings (the "Infringing Content").

These activities are unlawful and infringing. Cisco is the exclusive owner of all worldwide copyrights in its software products. Cisco's software is licensed by Cisco to a specific end user, and that license is not generally transferable and cannot be resold.¹ *See, e.g., Vernor v. Autodesk*, 621 F.3d 1102 (9th Cir. 2010); *Adobe Systems Inc. v. One Stop Micro, Inc.*, 84 F.Supp.2d 1086, 1092-93 (N.D. Cal. 2000). Accordingly, the marketing, sale, and/or distribution of unauthorized software licenses for Cisco-branded products is a violation of the law.

As you are no doubt aware, the unauthorized distribution of Cisco's copyright-protected software products is a violation of United States state and federal law. Under U.S. law, an online service provider that fails to expeditiously remove Infringing Content after receiving notice may lose its safe harbor protection, and be held liable for the infringement itself. *See, e.g., Capitol*

¹ *See* Cisco's End User License Agreement, <https://www.cisco.com/c/en/us/products/end-user-license-agreement.html>.

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Records, LLC v. Vimeo, LLC, 826 F.3d 78, 83 (2d Cir. 2016) (“Service providers...forfeit entitlement to the safe harbor if they fail to expeditiously remove the infringing material upon receipt of notification of the infringement or upon otherwise becoming aware of it.”); *see also* *Ventura Content, Ltd. v. Motherless, Inc.*, 885 F.3d 597, 604 (9th Cir. 2018) (“Thus for a service provider to get safe harbor protection despite its infringement, it must not know of the infringement, and the infringement cannot be apparent. It must also take down or prevent access to the infringing material as soon as it learns about it or receives a DMCA notice.”).

Cisco therefore requests that you remove the Infringing Content located on the Infringing Site pursuant to Section 512(c) of the Digital Millennium Copyright Act and/or any similarly applicable United States or federal law.

Full Takedown Notice of Infringing and Harmful Content

Our factual investigation has revealed that you are the registrant of the Infringing Site, located at <https://www.router-switch.com/>. As such, in accordance with the Digital Millennium Copyright Act, and pursuant to any relevant United States or federal law, we request you **permanently** remove the Infringing Content located at the URL links provided below.

Infringing URL list: See Exhibit A, enclosed herein.

The Infringing Content offered by the owner <https://www.router-switch.com/> reproduces and purports to create a derivative work from the copyright protected software owned by Cisco, without authorization by Cisco, and in violation of Cisco’s intellectual property rights.

- Name of IP owner: Cisco Systems, Inc. and Cisco Technology, Inc.
- Name and title of representatives of IP owner:

Pauline T. Tseng, Esq.
Sideman & Bancroft LLP
Outside Counsel for Cisco
One Embarcadero Center, 22nd Floor
San Francisco, CA 94111
Email address: ptseng@sideman.com
Telephone: (415) 392-1960
- Cisco is the owner of its copyright-protected source code. Cisco’s copyright-protected source code is proprietary, is not published publicly, and is licensed by Cisco to end users.

We hereby confirm that <https://www.router-switch.com/>’s reproduction of Cisco’s copyright-protected software in the manner complained of in the URL links listed is not authorized by the

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copyright owner, its agent, or the law. We swear, under penalty of perjury, that the information in this notification is accurate and that we are authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

* * * *

Because of the possibility of litigation by Cisco against entities that have infringed its copyrights and trademarks, please preserve all evidence regarding the Infringing Site and Infringing Content.

Cisco continues to reserve all of its rights and remedies as we work towards resolving this dispute. We require confirmation that Domains By Proxy will cooperate with these demands by July 27, 2021. If you have any questions, or need any further information regarding this matter, please contact me by email at ptseng@sideman.com.

Very truly yours,

A handwritten signature in blue ink that reads "Pauline T. Tseng". The signature is written in a cursive, flowing style.

Pauline T. Tseng

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Exhibit A – Infringing URL List

<https://www.router-switch.com/c9300-24t-a.html>
<https://www.router-switch.com/c9300-24t-e.html>
<https://www.router-switch.com/c9300-24p-a.html>
<https://www.router-switch.com/c9300-48p-a.html>
<https://www.router-switch.com/c9300-48p-e.html>
<https://www.router-switch.com/c9300-48t-a.html>
<https://www.router-switch.com/c9300-24p-e.html>
<https://www.router-switch.com/c9300-48t-e.html>
<https://www.router-switch.com/c9300-24ux-a.html>
<https://www.router-switch.com/c9300-24ux-e.html>
<https://www.router-switch.com/c9300-48uxm-a.html>
<https://www.router-switch.com/c9300-48u-e.html>
<https://www.router-switch.com/c9300-48u-a.html>
<https://www.router-switch.com/c9300-24u-a.html>
<https://www.router-switch.com/c9300-48uxm-e.html>
<https://www.router-switch.com/c9300-dna-e-48s-3y.html>
<https://www.router-switch.com/c9300l-24t-4g-a.html>
<https://www.router-switch.com/c9300l-48p-4x-a.html>
<https://www.router-switch.com/c9300l-24t-4g-e.html>
<https://www.router-switch.com/c9300l-48t-4x-e.html>
<https://www.router-switch.com/c9300-24s-a.html>
<https://www.router-switch.com/c9300l-24t-4x-a.html>
<https://www.router-switch.com/c9300l-24p-4g-e.html>
<https://www.router-switch.com/c9300l-24p-4x-a.html>
<https://www.router-switch.com/c9300l-48p-4g-e.html>
<https://www.router-switch.com/c9300l-48t-4g-a.html>
<https://www.router-switch.com/c9300l-24p-4x-e.html>
<https://www.router-switch.com/c9300l-24p-4g-a.html>
<https://www.router-switch.com/c9300-24s-e.html>
<https://www.router-switch.com/c9300l-48pf-4x-a.html>
<https://www.router-switch.com/c9300-48s-a.html>
<https://www.router-switch.com/c9300l-48pf-4x-e.html>
<https://www.router-switch.com/c9300l-48p-4g-a.html>
<https://www.router-switch.com/c9300-48s-e.html>
<https://www.router-switch.com/c9300l-48t-4g-e.html>
<https://www.router-switch.com/c9300l-48pf-4g-a.html>
<https://www.router-switch.com/c9300l-48pf-4g-e.html>

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<https://www.router-switch.com/c9300-48un-e.html>

<https://www.router-switch.com/c9300-48un-a.html>

<https://www.router-switch.com/c9300-48ub-e-41828.html>

<https://www.router-switch.com/c9300-48ub-a-41827.html>

<https://www.router-switch.com/c9300-48h-a-41826.html>

<https://www.router-switch.com/c9300-24uxb-e-41825.html>

<https://www.router-switch.com/c9300-24uxb-a-41824.html>

<https://www.router-switch.com/c9300-24ub-e-41823.html>

<https://www.router-switch.com/c9300-24ub-a-41822.html>

<https://www.router-switch.com/c9300l-24uxg-2q-e.html>

<https://www.router-switch.com/c9300l-24uxg-4x-e.html>

<https://www.router-switch.com/c9300l-24uxg-2q-a.html>

<https://www.router-switch.com/c9300l-24uxg-4x-a.html>

<https://www.router-switch.com/c9300l-48uxg-4x-a.html>

<https://www.router-switch.com/c9300l-48uxg-2q-e.html>

<https://www.router-switch.com/c9300l-48uxg-4x-e.html>

<https://www.router-switch.com/c9300l-48uxg-2q-a.html>

<https://www.router-switch.com/c9500-40x-a.html>

<https://www.router-switch.com/c9500-16x-a.html>

<https://www.router-switch.com/c9500-48y4c-a.html>

<https://www.router-switch.com/c9500-24y4c-a.html>

<https://www.router-switch.com/c9500-24x-a.html>

<https://www.router-switch.com/c9500-16x-e.html>

<https://www.router-switch.com/c9500-24q-a.html>

<https://www.router-switch.com/c9500-32c-a.html>

<https://www.router-switch.com/c9500-12q-a.html>

<https://www.router-switch.com/c9500-40x-e.html>

<https://www.router-switch.com/c9500-48x-a.html>

<https://www.router-switch.com/c9500-24y4c-e.html>

<https://www.router-switch.com/c9500-40x-2q-a.html>

<https://www.router-switch.com/c9500-48y4c-e.html>

<https://www.router-switch.com/c9500-32qc-a.html>

<https://www.router-switch.com/c9500-12q-e.html>

<https://www.router-switch.com/c9500-32c-e.html>

<https://www.router-switch.com/c9500-24q-e.html>

<https://www.router-switch.com/c9500-16x-2q-a.html>

<https://www.router-switch.com/c9500-48x-e.html>

<https://www.router-switch.com/c9500-40x-2q-e.html>

<https://www.router-switch.com/c9500-32qc-e.html>

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<https://www.router-switch.com/c9500-16x-2q-e.html>
<https://www.router-switch.com/c9200-48t-a.html>
<https://www.router-switch.com/c9200l-24p-4g-e.html>
<https://www.router-switch.com/c9200-24t-a.html>
<https://www.router-switch.com/c9200l-48p-4x-e.html>
<https://www.router-switch.com/c9200-48p-e.html>
<https://www.router-switch.com/c9200l-24t-4x-e.html>
<https://www.router-switch.com/c9200l-48p-4g-e.html>
<https://www.router-switch.com/c9200l-24t-4g-e.html>
<https://www.router-switch.com/c9200l-48t-4x-e.html>
<https://www.router-switch.com/c9200l-48t-4g-e.html>
<https://www.router-switch.com/c9200-24t-e.html>
<https://www.router-switch.com/c9200-48p-a.html>
<https://www.router-switch.com/c9200l-24t-4x-a.html>
<https://www.router-switch.com/c9200l-24p-4x-e.html>
<https://www.router-switch.com/c9200-24p-e.html>
<https://www.router-switch.com/c9200l-24pxg-4x-a.html>
<https://www.router-switch.com/c9200l-24pxg-2y-a.html>
<https://www.router-switch.com/c9200l-24pxg-4x-e.html>
<https://www.router-switch.com/c9200l-48pxg-2y-e.html>
<https://www.router-switch.com/c9200l-24pxg-2y-e.html>
<https://www.router-switch.com/c9200l-48pxg-2y-a.html>
<https://www.router-switch.com/c9200l-48pxg-4x-a.html>
<https://www.router-switch.com/c9200l-48p-4x-a.html>
<https://www.router-switch.com/c9200-48t-e.html>
<https://www.router-switch.com/c9200-24p-a.html>
<https://www.router-switch.com/c9200l-48t-4x-a.html>
<https://www.router-switch.com/c9200l-24t-4g-a.html>
<https://www.router-switch.com/c9200l-24p-4g-a.html>
<https://www.router-switch.com/c9200l-24p-4x-a.html>
<https://www.router-switch.com/c9200l-48p-4g-a.html>
<https://www.router-switch.com/c9200l-48t-4g-a.html>
<https://www.router-switch.com/c9200-24pxg-a.html>

EXHIBIT B

UNITED STATES DISTRICT COURT

for the

Northern District of California

In re DMCA Subpoena to Domains By Proxy, LLC

Plaintiff

v.

Defendant

Civil Action No.

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

To: Domains By Proxy, LLC
Corporation Service Company, 251 Little Falls Drive, Wilmington, DE 19808

(Name of person to whom this subpoena is directed)

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See Attachment A

Place: Sideman & Bancroft LLP
Attn: Pauline T. Tseng
ptseng@sideman.com

Date and Time:

08/16/2021 10:00 am

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: _____

CLERK OF COURT

OR

*Signature of Clerk or Deputy Clerk**Attorney's signature*

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* _____
Cisco Systems, Inc. and Cisco Technology, Inc., who issues or requests this subpoena, are:
Pauline T. Tseng, Esq., Sideman & Bancroft LLP, One Embarcadero Center, 22nd Floor, San Francisco, CA 94111

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* _____
 on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

 _____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____
 _____.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
 tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
 \$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

ATTACHMENT A TO SECTION 512(h) SUBPOENA TO DOMAINS BY PROXY, LLC

A. “PERSON(S)” includes any natural person, firm, association, organization, partnership, business, trust, corporation, governmental or public entity or any other form of legal entity.

B. “DOCUMENT” or “DOCUMENTS” shall mean all documents, including all communications, electronically stored information, and tangible things as described in Rule 34 of the Federal Rules of Civil Procedure.

C. “RELATING TO,” “RELATED TO” or “RELATE(S) TO” means constituting, containing, concerning, embodying, reflecting, identifying, stating, mentioning, discussing, describing, evidencing, or in any other way being relevant to that given subject matter.

D. “YOU” and “YOUR” shall mean and refer to that Delaware corporation Domains By Proxy, LLC and any of its officers, employees, agents, managers, or other authorized individuals able to act on its behalf.

E. “ALL” shall be understood to include and encompass “any,” and “any” shall be understood to include and encompass “all.”

INSTRUCTIONS

1. To the extent possible through reasonable effort, please: (1) produce all of the specified DOCUMENTS as a portable document file (i.e., PDF) format, or where only information is provided, please provide the information in a spreadsheet (i.e. Excel) format. If any DOCUMENT cannot reasonably be produced in PDF or spreadsheet format, please contact counsel for Petitioners prior to production for additional instruction.

2. Whenever possible, the singular form of a word shall be interpreted in the plural and vice versa; verb tenses shall be interpreted to include past, present, and future tenses; the terms “and” as well as “or” shall be construed either conjunctively or disjunctively, as necessary, to bring within the scope of these requests any DOCUMENTS or information that might otherwise be considered outside their purview.

3. If an objection is made to part or all of any request, the part should be specified together with the reasons for the objection, and include a sufficient level of particularity to address the objection, whether it be based on privilege, immunity, or otherwise.

4. If YOU do not have DOCUMENTS or information responsive to ANY or ALL of the following requests for production, please state so in YOUR response and provide the reason why such DOCUMENTS cannot be produced.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

DOCUMENTS sufficient to identify the operator or owner of the website <https://www.router-switch.com/>, hosted by YOUR online platform, including DOCUMENTS sufficient to identify (1) the name of the individual owner or operator of the website (and, if a corporation or other business entity, its principals, officers and employees), (2) the owner's or operator's last known address, (3) last known telephone number, (4) any electronic mail addresses associated with the account, and (5) any logs of IP addresses used to access the subject account from July 2017 to the present.

EXHIBIT C

1 ZACHARY J. ALINDER (State Bar No. 209009)

E-Mail: *zalinder@sideman.com*

2 PAULINE T. TSENG (State Bar No. 322311)

E-Mail: *ptseng@sideman.com*

3 SIDEMAN & BANCROFT LLP

One Embarcadero Center, Twenty-Second Floor

4 San Francisco, California 94111-3711

Telephone: (415) 392-1960

5 Facsimile: (415) 392-0827

6 Attorneys for CISCO SYSTEMS, INC. and CISCO TECHNOLOGY, INC.

7
8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN FRANCISCO DIVISION**

12 IN RE: DMCA SECTION 512(h)
13 SUBPOENA TO DOMAINS BY PROXY,
14 LLC

Case No.

**DECLARATION OF PAULINE T. TSENG
IN SUPPORT OF CISCO SYSTEMS, INC.
AND CISCO TECHNOLOGY, INC.'S
REQUEST TO THE CLERK FOR
ISSUANCE OF A SUBPOENA
PURSUANT TO 17 U.S.C. § 512(h) TO
IDENTIFY ALLEGED INFRINGERS**

18 I, PAULINE T. TSENG, declare:

19 1. I am an attorney duly admitted to practice in all courts of the State of California
20 and this Court, and am an attorney with Sideman & Bancroft LLP, which represents CISCO
21 SYSTEMS, INC. and CISCO TECHNOLOGY, INC. (collectively "Cisco"). This declaration is
22 made pursuant to 17 U.S.C. § 512(h)(2)(C) in support of the issuance of the accompanying
23 subpoena.

24 2. I submit this Declaration in support of Cisco's request for the issuance of a
25 subpoena ("Request") to Domains By Proxy, LLC ("Domains By Proxy"), registrant for the
26 website <https://www.router-switch.com/>, pursuant to the Digital Millennium Copyright Act
27 ("DMCA"), 17 U.S.C. § 512(h), to identify the infringer or infringers behind various listings who
28 are offering for sale products that infringe on Cisco's intellectual property rights, including its

1 copyright-protected software.

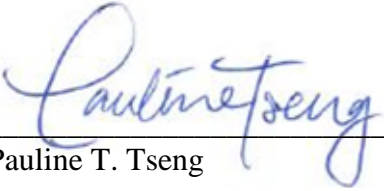
2 3. On July 13, 2021, I submitted a Notice of Claimed Copyright Infringement to
 3 Domains by Proxy's designated copyright agent, pursuant to Section 512(c)(3)(A) of the Title 17
 4 of the U.S. Code, which contained the information required by that Section. Exhibit A to Cisco's
 5 Request is a true and correct copy of the Notice of Claimed Infringement I caused to be submitted,
 6 which identifies the content that is being sold or offered for sale and infringes on Cisco's
 7 copyright-protected material (the "NOCI").

8 4. The purpose of the accompanying subpoena, a true and correct copy of which is
 9 attached as Exhibit B to Cisco's Request, is to obtain the identity of the alleged copyright
 10 infringers who are the purported owners and/or operators of the listings identified in the NOCI,
 11 and the information obtained will be used only for the purpose of protecting rights under Title 17
 12 of the United States Code.

13 I declare under penalty of perjury under the laws of the State of California and the United
 14 States of America that the foregoing is true and correct.

15 Executed on July 15, 2021 at San Francisco, California.

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 Pauline T. Tseng